

Message Text

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ACTION ARA-14

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 NSAE-00
NSCE-00 SSO-00 USIE-00 INRE-00 MCT-01 HA-05
AID-05 CCO-00 PM-05 H-01 INR-10 L-03 NSC-05
SP-02 OC-06 OPR-02 PA-01 USSS-00 CA-01 A-01
SCS-06 OMB-01 SS-15 SY-05 FBO-02 /105 W
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TO SECSTATE WASHDC IMMEDIATE 8395
INFO USMISSION USUN NEW YORK
USMISSION GENEVA

LIMITED OFFICIAL USE SANTIAGO 1622

E. O. 11652: N/A
TAGS: SHUM, PGOV, PINS, CI
SUBJECT: GOC LIFTS STATE OF SIEGE; RETAINS STATE OF EMERGENCY

RFS: (A) 77 SANTIAGO 7572 (B) 77 SANTIAGO 6957

1. THE GOC HAS ANNOUNCED THAT THE STATE OF SIEGE, DUE TO EXPIRE MARCH 11, WILL NOT BE RENEWED. THE STATE OF EMERGENCY THROUGHOUT THE COUNTRY WILL BE EXTENDED FOR ANOTHER SIX MONTHS, HOWEVER. THE CURFEW, NOW DESCRIBED AS AN ECONOMIC RATHER THAN INTERNAL SECURITY MEASURE, APPARENTLY WILL REMAIN IN EFFECT AT THE DISCRETION OF EACH EMERGENCY MILITARY ZONE COMMANDER.

2. COMMENT: WE BELIEVE THIS CHANGE HAS FOLLOWING IMPLICATIONS: THE GOC HAS LOST AUTHORITY TO RELEGATE OR TRANSFER INDIVIDUALS ON THE BASIS OF EXECUTIVE WRIT (THE AUTHORITY APPLIED AGAINST THE CHRISTIAN DEMOCRATIC DOZEN); DETENTION WITHOUT CHARGE MAY BE ORDERED BY THE PRESIDENT FOR A PERIOD NOT TO EXCEED FIVE DAYS, RATHER THAN FOR UNLIMITED PERIOD. (IN FACT, THE GOC HAS NOT USED ITS STATE OF SIEGE PREVENTIVE DETENTION AUTHORITY SINCE THE LIMITED OFFICIAL USE

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EXCHANGE OF JORGE MONTES IN JUNE 1977).

3. ACCORDING TO PRELIMINARY OBSERVATIONS OF A SENIOR VICARIATE OF SOLIDARITY LAWYER, TIME-OF-WAR COURT MARTIALS MAY NOW BE PRECLUDED. THE VICARIATE WILL ALSO TRY A TEST CASE TO DETERMINE IF THE GOC RETAINS AUTHORITY TO PREVENT CHILEANS WHO LEFT THE

COUNTRY IRREGULARLY OR BY EXPULSION FROM RETURNING UNLESS THEY
SIGN
SPECIAL FORMS.

4. THE CHANGE SEEMINGLY DOES NOT AFFECT THE GOC'S CONSTRAINTS
ON PRESS, EXPRESSION, ASSEMBLY OR LABOR FREEDOMS.

5. WE WILL REPORT MORE FULLY ON IMPLICATIONS OF LIFTING OF STATE
OF SIEGE AS INFORMATION BECOMES AVAILABLE.
LANDAU

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NNN

*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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Disposition Approved on Date:
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